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EXAMINER

CHARIOUI, MOHAMED

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/501,725
Filing Date: July 15, 2004
Appellant(s): GRUHN ET AL.

John P. Musone
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/21/08 appealing from the Office action mailed 9/25/07.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,298,308

Reid et al.

1-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6-13, 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Reid et al. (U.S. 6,298,308).

As per claims 6 and 12, Reid et al. teach an acquisition unit remote from at least one of the stationary power stations for collecting measurement data detected by sensors in the power stations (see col. 2, lines 34-44 and col. 4, line 63 to col. 5, line 21); a diagnostics unit connected to the acquisition unit for classification of operating states of the power stations that are represented by the measurement data (see col. 9, line 44 to col. 10, line 10) a memory unit connected to the acquisition unit and the local diagnostics unit and the measurement data is centrally stored in the memory unit (see col. 5, lines 1-21); and a server unit connected to the memory unit that generates machine-readable data based on an HTML language (see col. 5, lines 59-65).

As per claim 7, Reid et al. further teach that portions of the machine-readable data are generated while a connection is established to the server unit of the diagnostics system by at least one client computer via a communications link by an Internet browser installed on the client computer and the parts of the machine-readable data are requested by the client computer (see col. 6, lines 15-30).

As per claim 8, Reid et al. further teach that the machine-readable data is transferred from the server unit to the client computer by the TCP/IP protocol via the communications link that includes an intranet and/or the Internet (see col. 5, lines 50-65 and col. 9, lines 25-43).

As per claim 9, Reid et al. further teach that a dynamic operating and/or monitoring interface of the diagnostics system is formed by the machine-readable data (see col. 6, lines 40-67).

As per claims 10, 11, 13 and 16, Reid et al. further teach that the machine-readable data comprise HTML pages that are stored as pre-prepared, static data in a memory unit of the diagnostics system and are generated dynamically by the server unit by combining a page generation code and at least part of the measurement data stored in the memory unit (see col. 6, lines 15-40).

As per claim 15, Reid et al. further teach that the measurement data from at least one of the power stations is transferred to the memory unit if there has been a change in an operating state of a power station concerned (see col. 6, lines 41-67 and col. 7, lines 1-22).

(10) Response to Argument

A) Appellant argues that the Examiner asserts that the data acquisition unit 16 of Reid can be remote. However, Appellant contends unit 16 can not be remote. See page 3, lines 22-23 of the brief.

In response, the Examiner disagrees with the Appellants' argument because the Appellant does not give a specific definition of remote while the Examiner uses the

broadest interpretation of the word remote. In the present application the Local Expert (16) is considered remote because it is not an integral part of the machines (14).

B) Appellant argues that "the whole purpose of Reid is to provide data acquisition and analysis locally, as opposed to remotely, as is stated in his cot. 2, lines 34-44 copied above. In contrast, Appellants' invention provides a remote data acquisition unit 17 (FIG 2) that centrally collects data from multiple remote sites and a remote analysis unit 25 that centrally analyzes the collected data". See page 4, lines 11-14 of the brief.

In response, the Examiner disagrees with the Appellants' argument because the Appellant does not claim that a remote data acquisition unit 17 (FIG 2) that centrally collects data from multiple remote sites. Therefore, the limitation of claims 6 and claim 12 are met by Reid's reference.

C) Appellant argues that independent claims 6 and 12 recite a diagnostics system configured to access and diagnose a plurality of remote stationary power stations, by means of "an acquisition unit remote from at least one of the stationary power stations for collecting measurement data detected by sensors in the power stations" (claim 6) or "an acquisition unit and a server unit receiving the collected measurement data via the internet from each power station server (claim 12). See page 4, lines 14-20 of the brief.

In response, the Examiner notes that these limitations are manifested by Reid in Fig. 1 and Fig. 3, where the acquisition unit (Local Expert 16) remote from plurality of stationary power stations (machines 14) (Fig. 1 and col. 5, lines 35) and "an acquisition unit and a server unit receiving the collected measurement data via the internet from

each power station server (claim 12) (see Fig. 3, where the Local Expert (16) includes OPC server (86) and web server (90)).

D) Appellant argues that in “Page 4 of the final office action of 09-25-2007 held or implied that Reid's central monitoring location 34 corresponds to Applicants' remote data acquisition and analysis units 17, 25”, and that this constitutes a new ground of rejection See page 4, line 21 through page 5, line 2 of the brief.

In response, the Examiner notes that the acquisition unit in Reid's reference is the Localized Expert (16) which is considered remote from the plurality of machines (14) being monitored. That the Examiner does not abandon the fact that the acquisition unit of the present invention corresponds to the Local Expert (16) of Reid's reference. In addition, Either unit 16, 34 or both meet the claimed limitation and does not constitute new ground of rejection since it is in the same reference and the same figure (Fig. 2).

E) Appellant argues that “claim 7 recites an Internet communication between a client computer 15 and the server unit 21. This means that the client computer 15 is remote from the central memory unit 20 where measurement data MD is collected by a data acquisition unit 17 and is centrally stored”. See page 5, lines 11-13 of the brief.

In response, the Examiner disagrees with the Appellant's argument because claim 7 does not recite that client computer 15 is remote from the central memory unit 20. The Examiner notes that Reid discloses that the acquisition unit (Local Expert 16) includes a server unit as shown in Fig. 3. Therefore, the limitation of claim 7 is met by Reid's reference.

F) Appellant argues that "In Reid, measurement data are not stored in a central memory unit, but must be obtained by the remote monitoring site 34 from each local data acquisition unit 16". See page 5, lines 18-20 of the brief.

In response, the The Examiner disagrees with the Appellant's argument because Reid discloses (in col. 5, lines 59) that the Local Expert 16 includes a database which stores information on the particular machines 14). Therefore, The Examiner considers that the database is a central memory unit that stores the measurements received from the monitored machines 14.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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